

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

\* \* \* \* \*

ING Financial Partners, Inc.,

Plaintiff,

vs.

REPORT AND RECOMMENDATION

Alyson Johansen,

Defendant.

Civ. No. 04-1061 (PJS/RLE)

\* \* \* \* \*

On November 17, 2006, the Court conducted a Status Conference, at which time, the Plaintiff appeared by Kenneth L. Dobkin and Steve Anderson, Esqs; and the Defendant appeared pro se. The purpose of the Conference was to determine the status of this case. By way of additional background, our Court of Appeals remanded this action to the District Court on May 1, 2006, for further proceedings. See, Docket No. 73. On August 9, 2006, we conducted a Status Conference so as to understand the parties' intentions, given the determination of the Court of Appeals that this matter should proceed to arbitration, consistent with the Defendant's request. See, Docket No. 78. At that time, the parties advised that this action would be dismissed, and the matter submitted to arbitration.

Not having heard further from the parties, and noting no Stipulation for Dismissal having been filed, we concluded that a further Status Conference was necessary. During the second Status Conference, the parties represented that the matter had been submitted to arbitration, but that the initial conference with the arbitrator(s) has yet to be conducted. As related by the Defendant, on advice of counsel, she is reluctant to dismiss this case until an initial conference with the arbitrator(s) has been completed.

Since it plainly appears that this case will soon be dismissed -- once the arbitration proceedings are a reality -- there is no further reason to actively manage this action, as the parties are proceeding to arbitration. Accordingly, we recommend that this case be placed in an Administrative Stay until we hear further from the parties. If the parties submit a Stipulation of Dismissal, then the case can be closed and, if the parties wish to confirm or challenge the arbitration award, then this case can be reopened for that purpose, but no purpose is served in expending further judicial time on this matter. The parties are entirely amenable to such a placement, and we now make that Recommendation.

NOW, THEREFORE, It is --

RECOMMENDED:

That this case be placed into an Administrative Stay until further Order of the Court.

Dated: November 17, 2006

s/Raymond L. Erickson  
Raymond L. Erickson  
CHIEF U.S. MAGISTRATE JUDGE

**N O T I C E**

Pursuant to Rule 6(a), Federal Rules of Civil Procedure, D. Minn. LR1.1(f), and D. Minn. LR72.2, any party may object to this Report and Recommendation by filing with the Clerk of Court, and by serving upon all parties **by no later than December 5, 2006**, a writing which specifically identifies those portions of the Report to which objections are made and the bases of those objections. Failure to comply with this procedure shall operate as a forfeiture of the objecting party's right to seek review in the Court of Appeals.

If the consideration of the objections requires a review of a transcript of a Hearing, then the party making the objections shall timely order and file a complete transcript of that Hearing **by no later than December 5, 2006**, unless all interested

parties stipulate that the District Court is not required by Title 28 U.S.C. § 636 to review the transcript in order to resolve all of the objections made.